

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

EARLYCUTT FAMILY TRUST (AN	:	
EXPRESS TRUST BY AND THROUGH	:	
ITS TRUSTEE-FIDUCIARY) D.J. ASANTE,	:	
TRUSTEE-FIDUCIARY,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	NO. 3:15-CV-30 (CAR)
	:	
COMPLETE CASH HOLDINGS, LLC,	:	
	:	
Defendant.	:	
_____	:	

**ORDER DIRECTING PLAINTIFF TO OBTAIN COUNSEL**

Currently before the Court is Plaintiff Earlycutt Family Trust’s Amended Complaint [Doc. 6], filed by its trustee-fiduciary, D.J. Asante, who seeks to have the trust proceed *pro se* and *in forma pauperis*. Although in federal courts, “parties may plead and conduct their own cases personally or by counsel,”<sup>1</sup> they cannot “represent[] . . . the interest of others.”<sup>2</sup> Non-natural persons or artificial entities such as corporations, partnerships, associations, and trusts, may appear in federal court only through licensed counsel.<sup>3</sup> D.J. Asante filed this Amended Complaint as the fiduciary-trustee of the Earlycutt Family Trust, an express trust, but he not a member of the State Bar of

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<sup>1</sup> 28 U.S.C. § 1654.

<sup>2</sup> *Timson v. Sampson*, 518 F.3d 870, 873 (11th Cir. 2008).

<sup>3</sup> *See Rowland v. California Men’s Colony*, 506 U.S. 194, 201-02 (1993).

Georgia, and does not appear to be an attorney. Any claim that he is the “real party in interest” under Rule 17(a) of the Federal Rules of Civil Procedure and therefore authorized to represent the Trust does not alter the requirement that the trust must be represented by counsel. Rule 17(a)(1) does *not* allow non-lawyer trustees to represent the trust in court.<sup>4</sup> Moreover, only *natural persons* may proceed *in forma pauperis*.<sup>5</sup> Thus, the Earlycutt Family Trust cannot proceed *in forma pauperis*, and Plaintiff’s Motion requesting such [Doc. 2] is hereby **DENIED**.<sup>6</sup>

Plaintiff is hereby **DIRECTED** to obtain counsel within thirty (30) days of the date of this Order and have counsel file a Notice of Appearance and the required filing fee. If no notice of appearance is filed, the Court will dismiss this case without prejudice.

**SO ORDERED**, this 5th day of August, 2015.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT COURT

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<sup>4</sup> See *Knoefler v. United Bank of Bismark*, 20 F.3d 347, 348 (8th Cir. 1994); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 698 (9th Cir. 1987).

<sup>5</sup> *Rowland*, 506 U.S. at 203.

<sup>6</sup> The Court prior Order granting Plaintiff’s Motion to Proceed *In Forma Pauperis* [Doc. 5] is hereby **VACATED**.